

BOARD OF SELECTMEN
MINUTES
JULY 24, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Margaret B. Briggs, Anne D. Shapiro, Gregory P. Howes. Also present was Christopher Whelan, Town Manager.

Upon a Motion duly made and Seconded, it was Unanimously:

Voted: To appoint Margaret B. Briggs as Clerk pro tem

Consent Agenda

On a Motion duly made and Seconded, it was Unanimously:

Voted: To approve the Consent Agenda

- Town Accountant Warrants
- Gift Acceptance: Richard & Susan Underwood, \$1,000; Jeffrey and Ellen Campbell, \$1,000; Elmer Funkhouser, \$1,000; Stephen and Betsy Pearce, \$540; Alliance for Teen Safety, Inc., \$400 – all to the Restorative Justice Program
- Gift Acceptance: Middlesex Savings Bank, \$2,000 to the 2006 Concord Open Golf Tournament
- Gift Acceptance: Skanska USA Building, Inc., \$2,325 to the 2006 Concord Open Golf Tournament

TOWN MANAGER'S REPORT

1. Mr. Whelan announced that summer CPW road work is ongoing. Currently the crew was grinding and pulverizing the pavement in preparation for putting down the binder course on July 26 – 28th. Bedford Street is closed from Monument Square to Old Bedford Road during the work period. Once complete, other streets in the neighborhood will be paved. There has been inconvenience to neighbors and commuters during this long project, but it is expected that the result will be pleasing. Reclamation of Keyes Road is also ongoing. That project includes drainage, a raised sidewalk to increase pedestrian safety, plantings, and better lighting.
2. The intersection at Thoreau Street and Walden Street, near the high school driveway, has been reconfigured. The site improvements will alleviate a long history of accidents.
3. Thirty individuals have applied for the Public Works Director position. The flexible deadline for applications was July 21; people may still apply but interviews will begin shortly.
4. Natural Resources conservation crew started to work on conservation land to improve facilities, clean up, and make more accessible to the public. 2 Rangers are in the third week of addressing swimming violations at White Pond as well as issues at Punkatasset and other conservation areas.
5. The Health Department and the Fire Department collaborated on a Pandemic Planning Seminar for the business community at the Town House, in conjunction with the Concord Chamber of Commerce. This was an opportunity for the business community to address the planning they will need to address significant loss of staff who might be absent during a bad flu.
6. John Minty, Building Commissioner, will issue the building permit to Middlesex School, which has met the requirements of the ZBA and the settlement agreement to begin construction of athletic facilities in the woods.

Consent Agenda

TM Rpt

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Ms. Shapiro reported that she had learned that other communities were seeking qualified, medically trained volunteers as part of their emergency planning. Mr. Whelan stated that this is an issue for the Board of Health and the Public Health Administrator to consider; he will check on this.

Committee Liaison Reports

Liaison Reports

1. Mr. Howes reported on the Strawberry Hill Land disposition. There was not a large turnout for the pre-bid conference, an opportunity for requesters to raise any questions they may have concerning the RFP. Ten parties took out the RFP packet and of those only two came to the conference. The Strawberry Hill Road Review Panel Committee is ready to provide the review of all proposals received. Mr. Howes asked the Board for an Executive session to discuss financing and sale plans for the property. The Board will need to provide guidance to the Committee and to discuss its direction if the sale price is insufficient for the Town's goals.

Ms. McIntyre asked what questions the attendees had that were not answered in the RFP packet. Mr. Howes reported that they included: how long would the Town hold the deposits while it negotiated with the most advantageous proposers; whether there is a minimum bid; whether a schematic of the proposal is expected; whether there were additional terms and definitions regarding the conservation restriction, the ridge and wetlands; whether CPA funds could be used for the purchase; whether CPA funds could be used for construction of an affordable housing component. Mr. Howes stated that attendees were told that there was no minimum bid, a graphic is required, there are no further definitions, but the Town expects a creative, cooperative effort between the developer and the Town to protect the wetlands and ridges. The deadline for proposals is August 15th and Mr. Howes believes the Board should plan to discuss the issues in order to be ready.

2. Ms. Shapiro reported a request for the Town Manager to attend a meeting with Eastern Development LLP of Woburn to discuss Hanger 24, the Crosspoint development. Mr. Whelan stated that Eastern represents Crosspoint and is doing due diligence to advise its client on the Town's perspective regarding local permitting of the Crosspoint development.
3. Ms. McIntyre reported that the Bruce Freeman Rail Trail Public Hearing on Tuesday, July 18th was well-attended. There was a very positive tone and the community felt the Committee was listening. At its meeting on Thursday, July 20th, the Committee incorporated comments from the Hearing into the RFP. The next meeting will be on August 28th.

Ms. McIntyre also reported that the School Committee was having a workshop to discuss the school building projects and strategizing regarding the draft regulations expected from the MSBA. Mr. Whelan stated that the initial meeting of the Willard School Building Committee had occurred. The group discussed generally without choosing its leadership. They decided to meet at Willard. The next meeting is August 2nd. The School Committee is also discussing filming school committee meetings. They are recruiting volunteers.

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RENEWAL OF BURKE LAND BOND ANTICIPATION NOTE (BAN)– Town Treasurer
Anthony Logalbo

Burke Land BAN

Mr. Logalbo distributed a memo regarding the content and process of the Burke BAN. The initial Burke BAN was a \$2.5MM issue in July, 2005 that matures on July 27, 2006. The Town will renew the BAN for one year pending the disposition of a variety of things to determine how the purchase will be financed. Bids were opened Thursday, July 20th. The low bidder was Banc of America Securities at 3.7966%, which is 1% higher than the interest on the initial BAN. The interest will cost the Town \$94,600 and will be paid from the FY08 debt service budget. The five other bidders had a wide range of proposals.

Mr. Logalbo reported that the Official Statement of the Town has been updated and posted on the Town website. This occurs at the time of any Bond or Note sales, as many as 3-5 times in any twelve months, so that information about the Town's financial situation is kept current. In addition, the Town sought a credit rate review. Moody's gave the Town the highest MIG-1 and highest Aaa rating.

Upon a Motion duly made and Seconded, it was Unanimously:

VOTED: to approve the sale of a \$2,500,000 4.50 percent Bond Anticipation Note of the Town dated July 27, 2006 and payable July 26, 2007 to Banc of America Securities LLC at par and accrued interest plus a premium of \$17,535.

FURTHER VOTED: that the consent to the financial advisor bidding for the note, as executed prior to the bidding for the note, is hereby confirmed.

The Clerk certified the quorum and the vote of the Board.

DISCUSSION: ELM PLACE AND DRAFT LETTER – PLM Director Marcia Rasmussen
Planning and Land Management Director Marcia Rasmussen distributed the Planning Board recommendation and a draft letter for the Board's signature to the Massachusetts Housing Finance Agency regarding a small 40B project on Elm Street. The developer has met Town review staff to discuss the proposal but not with any board or committee. This is a small site on a busy road. The developer plans to limit the number of bedrooms per unit and to build on a smaller footprint by building more stories in a townhouse style rather than spreading out. No health or safety concerns have been identified. Two of the proposed eight units will be affordable and one of those will have a Concord preference. None are expected to be rental properties. Hanscom Air Force Base personnel are now part of the Concord preference. The Town's response is due July 28th. Upon receipt, the State will issue an eligibility letter and the project will go to the Zoning Board of Appeals for consideration and review of issues such as the affordability period, rental versus ownership, deed restrictions, and other issues. Ms. Rasmussen stated that the process can move along quickly if there is a complete packet of information that addresses the major concerns of the community.

Elm Place letter

On a motion made and duly seconded, it was unanimously:

VOTED to authorize the Chair to sign and transmit the letter re: Elm Place to Ms. Sarah Hall of the Massachusetts housing Agency more or less as drafted July 24, 2006.

PLANNING BOARD DISCUSSION: VILLAGE CENTER PLANNING PROCESS – Planning
Board Chair Toby Kramer

Village Center
Planning

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Ms. Kramer described the process that the Planning Board hopes to undertake over the next two years to develop village center overlay districts for the three village commercial centers in Concord– the Milldam, the Depot, and West Concord Center. Creating a master plan for these areas to guide development was one of the stated goals of the Long Range Plan Committee. It is hoped that this will preserve and balance open space, preserve the character of the villages, encourage transit-oriented development, create smaller and rental housing, and support economic development in the commercial centers. Often zoning handicaps the Town's ability to work with businesses to the benefit of both. Ms. Kramer stated that the plan involves a steering committee of twelve members to provide guidelines and structure and a task force from each of the three villages to focus on the needs and issues of the specific areas. The work will be supported by staff and consultants who are expert in urban design, land use, visioning, structures for zoning, and web design for disseminating information. Interns will gather data, produce a business survey, identify parking issues, and update GIS information. The Planning Board is ready to recruit members for both the committee and the task forces.

To do all this, the Planning Board has applied for a \$30,000 Technical Assistance Grant (TAG) for a Smart Growth Initiative from Massachusetts Executive Office of Environmental Affairs (EOEA.) The grant award decision is expected soon. If Concord receives a TAG, it will be expected to contribute matching funds of \$6,000. Grant funding will cover only the first phase of the village overlay process. Additional work for the zoning phase will be done by Town boards and staff to prepare a Town Meeting Article in 2008.

Discussion included: the importance of working with -- legislative staff, the Historic Districts Commission, and the local business community; to ensure that the task force for a village is staffed by residents; whether or not to include bordering residential areas in the definition of the village; the importance of working with what is best for Concord, not standardized definitions of a village center; the steering committee must include residents as well as business representatives; a range of skill sets should be included; the Committee will not speak for the Board of Selectmen which will retain its authority and responsibility. The Long Range Plan memo did not specifically recommend the village center overlay district as proposed by the Planning Board; there are many resources available such as the West Concord Study, and parking and traffic reports. The visioning segment of the process will involve each village center and include walking tours and maps.

It was the consensus that this stage of planning is one of general scope and theme to be refined and defined. The purpose of the discussion this evening is to gather input. A press release will seek letters of interest from residents and business owners.

LONG RANGE PLAN ACTION ITEMS FOR 2006 – 2007 – Economic Development

The Board continued its regular discussion regarding Long Range Plan recommendations. The Long Range Plan report had included the recommendation that the Board of Selectmen charge new committees to assist in the implementation of those recommendations. The Board responded by appointing the Tourism Committee to address short term issues. Economic Development may be another such. The most recent examination of this issue was done in 1994. Ms. McIntyre distributed the final report of that Committee that included concerns about job loss in the region, which has rebounded, and the need to liaise with the business community, which the Town Manager and now Mr. Howes do very effectively.

LRP action items
for 06-07

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Discussion included: the importance of being proactive; action rather than simply reporting should be the goal; perhaps identifying and marketing land parcels that could accomplish the Town's policy goals is one direction; while both business and residential parcels are being taxed at the same rate, and businesses use fewer Town services, a reduction in business opportunities puts more tax burden on residents; businesses in Concord have traditionally been philanthropic contributors as well; tourism and the business sector both add value to Concord; all Town departments should be engaged in this discussion so staff, boards and committees realize this is a priority in implementing Town goals; typically such a committee might develop marketing and tax benefit packages, expedite infrastructure, and help with grant applications; it will be important to think of the committee role and where it would fit with the other committees, even to suggesting Town Meeting action; the Town should anticipate and pursue opportunities for partnering with the private sector to meet economic viability goals; the Concord Business Partners already meet with Town staff regularly for an idea exchange on such things as parking, circulation, the prison land, Concord's outskirts, zoning; but they encourage the formation of a committee to address economic development issues..

300 Baker Ave was mentioned as an example of a site that could be developed to benefit both the owners and Town needs in the same way that growth of the medical sector has benefited Concord.

Ms. McIntyre stated that this could be an advocacy role and agreed to review the Long Range Plan report regarding any suggestions for an Economic Viability Committee Charge. The Board will return to this topic on August 7th.

REVIEW/APPROVE EASEMENT FOR CONCORD HOUSING TRUST (CHT) – 129 OLD BEDFORD ROAD

Town Manager Christopher Whelan reported that the Concord Housing Trust (CHT) is anxious to sign off on an easement adjacent to the Burke Land before it exercises its option to purchase the Burke home. A map of the parcel was included in the Board's packet for study. The language was reviewed by Attn. Ryan Pace of Anderson & Kreiger. The easement language is consistent with the School Committee request to use the easement for access if the Burke Land is developed as a school in the future. At this time, the easement road would be maintained by the CHT; if there is a school built on the adjacent property the Town would assume that responsibility. Town Meeting authorized the Board of Selectmen to enter into the agreement regarding the easement as well as permitting the Board to resell the Burke Land in the future. The easement would not limit the Board's future action or the resale price.

The Board indicated its general support of the easement, but wanted an opportunity to exercise due diligence by reading the language carefully. Should there be questions or concerns members are asked to notify the Town Manager. This will be on the August 7th agenda for review and approval. In the meantime, CHT will be signaled the Board's intentions. In addition, it was mentioned that CHT is likely to sell the home on the front of the parcel and to develop the back of the parcel.

Review and Approve Our Lady Help of Christians Conservation Restriction (CR)

The Town Manager reported that the draft conservation restriction has been through several iterations. It is the first of four documents needed to close the transaction. The Swedenborg Church representatives had earlier inserted the allowed use of a play structure as a condition that the Town deleted without comment. Although there is a large, gated play area at the Concord Children's Center on Town-owned land that is available for church use on weekends,

Easement 129
Old Bedford Rd

Our Lady Help of
Christians CR

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this issue has been raised again. Discussion indicated a lack of support for the play structure as an allowed use. The Town Manager recommended that the Board approve the CR as it is currently drafted, without the play structure. The discussion included: play equipment is not usually a component of a conservation restriction; however, if this item is likely to be a “deal breaker” in the sale of the property, the use would be so minimal that the Town could agree; the NRC has reviewed the revised plan.

On a motion made and duly seconded, it was:

VOTED (aye –McIntyre, Howes, Briggs; no- Shapiro) to approve the Our Lady Help of Christians Conservation Restriction in the version transmitted by Anderson and Kreiger on June 19th, and further that if the Swedenborgians insist on the play structure, to empower the Town Manager to resolve the matter up to and including granting it.

Additional discussion produced a supplemental Motion that was duly seconded and unanimously:

Voted: the Conservation Restriction should include the adjusted map described by the PLM Director as that considered by the Natural Resources Commission in its approval of the Conservation Restriction: 10 feet off the side of the building with a six inch offset from the small bump-out entrance nearest the garden and including the utility easement area that had originally been excluded. .

There was Board consensus that if the play structure was an allowed use, the Board would not take a position on its location within the Conservation Restriction. -

MISCELLANEOUS

1. Mr. Howes reported that the Grand Opening of the new Thoreau School will be on September 17th. The Chair will be asked to speak.
2. Ms. Shapiro asked that the FEMA address be put on the Town website so that residents will have it available to make application for flood loss re-imbursement. Mr. Whelan reported that it is on the Fire Department page.
3. Ms. Shapiro reported that Concord Museum is featuring a recent acquisition collection from July 27th through September 17th that could be interesting for families with children.

COMMITTEE NOMINATIONS

Ms Briggs nominated Elise B. Stone of 288 Old Marlboro Road as a full member of the Planning Board, term to expire May 31, 2011

COMMITTEE APPOINTMENTS

On a motion made and duly seconded, it was unanimously:

VOTED: To appoint Anthony Logalbo, Finance Director, to the Willard School Building Committee.

TOWN MANAGER APPOINTMENT WITH BOARD OF SELECTMEN APPROVAL

On a motion made and duly seconded, it was unanimously:

VOTED: To confirm the Town Manager's appointment of Holly Lerner of 660 Monument St. to the Historical Commission for a term to expire May 31, 2007.

On a motion made and duly seconded, it was unanimously:

VOTED: To confirm the Town Manager's appointment of Nancy Butman of 92 Sudbury Road to the Historical Commission for a term to expire May 31, 2009.

Misc.

Nominate

Appointments

Appointments

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EXECUTIVE SESSION RE:

On a motion duly made and seconded, it was:

VOTED To adjourn the Open Session and to enter into Executive Session to discuss Collective Bargaining and Land Valuation, not to return to Open Session.

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|---------------------|-----|
| Virginia McIntyre | Aye |
| Margaret B. Briggs | Aye |
| Anne D. Shapiro | Aye |
| Gregory P. Howes | Aye |
| Philip H. Benincasa | Aye |

The meeting adjourned to Executive Session at 10:30 p.m.

Respectfully submitted,

Margaret B. Briggs, Clerk pro tem

Exec Sess.